



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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AGUIRRE TO SUNROAD: IF YOU DON'T ACT, THE CITY WILL

San Diego, CA: According to the City Attorney's Office, the San Diego Municipal Code gives the Mayor unilateral authority to abate a public nuisance. Last week Mayor Jerry Sanders issued a directive to Sunroad Enterprises to immediately comply with a Stop Work Order on the entire Centrum 1 Building and submit plans to remove the top two stories of the building, which the Federal Aviation Administration (FAA) has determined to be an air navigation hazard to pilots flying in and out of Montgomery Field in Kearny Mesa.

"By their inaction, Sunroad is defying Mayor Sanders' directive to bring the Centrum I building into compliance with FAA directives," said City Attorney Michael Aguirre. "Sunroad needs to understand that if they do not act, the City of San Diego will do it for them," he added.

Last week's directive from the Mayor requires Sunroad to provide a schedule for compliance by July 10, and to complete the de-construction of the building from 183 feet to 160 feet by August 25. Sunroad has not responded to the Mayor's order.

Summary Abatement

San Diego Municipal Code section 12.0701 governs the procedures relating to "summary" abatement of public nuisances. Summary abatement of a public nuisance does not require prior notification to the Responsible Person.

Section 12.0702 grants authority to the City to act "whenever a Director determines that an imminent life safety hazard exists that requires immediate correction or elimination..."

The Director may then "raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public; or Take any other action as appropriate under the circumstances."

Administrative Abatement

San Diego Municipal Code section 12.0603 governs the procedures relating to an "administrative" abatement of a public nuisance. Administrative abatement of a public nuisance involves the issuance of an
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Abatement Notice to the Responsible Person to abate the public nuisance.

The Abatement Notice shall provide a description of the property and the applicable state code violations which render the property a public nuisance. It shall also describe the action that is required to abate the public nuisance, a time frame for which to complete each action, and the consequences of a failure to comply.

In an Administrative abatement of a public nuisance, the Director shall follow the compliance time frames and specified procedures for either Time Frame One (10 days) or Time Frame Two (14 days).

The ten day time frame can be used when “the condition causing the public nuisance has been determined by a Director to be so serious or harmful that immediate abatement is required.”

Right to Appeal

SDMC section 12.0606 Under an administrative abatement, “The Responsible Person may appeal the Abatement Notice within ten (10) calendar days from the date of the service of the Abatement Notice by filing a written request to appeal to a Director.”

Order that will completely halt construction at the Sunroad Enterprises’ 12-story Centrum building, which the Federal Aviation Administration (FAA) has determined to be an air navigation hazard to pilots flying in and out of Montgomery Field in Kearny Mesa.

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